GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Anti Corruption Bureau Trap Case against Sri A. Sarath Chandra Reddy, formerly Deputy Tahasildar, O/o the Mandal Revenue Officer, Musheerabad, Hyderabad and now retired from service - Convicted by the Trial Court – Dismissed from service – Conviction challenged - Acquitted by the High Court – Regularization of suspension period – Orders - Issued.

REVENUE (VIG.VI) DEPARTMENT

G.O.Ms.No.1646.   Dated: 20.08.2011.
                                                                        Read the following:-

1. From the D.G., A.C.B., Hyderabad, Lr.No.133/RCT-CR.2/96-S1, dated: 29.10.1997.
2. G.O.Rt.No.875, Rev (Ser.III) Dept., dated: 04.06.1998.
3. Judgment of the Court of the Prl. Spl. Judge for S.P.E. & A.C.B. Cases, Hyderabad, dated: 24.07.2003.
4. G.O.Ms.No.1347, Rev (Vig.III) Dept., dated: 24.12.2003.
5. Judgment of the High Court of A.P., Hyderabad, dated: 31.07.2003 in Cr.M.P.No.5195/03.
6. Judgment of the High Court of A.P., Hyderabad, dated: 13.12.2010 in Cr.Appeal.No.707/2003.
7. From Sri A. Sarath Chandra Reddy, Dy. MRO (Retd), Repn. dated: 25.04.2011.

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ORDER:

        In the G.O. 2nd read above, orders were issued permitting the Director General, Anti Corruption Bureau, Hyderabad to prosecute Sri A. Sarath Chandra Reddy, formerly Deputy Tahasildar, O/o the Mandal Revenue Officer, Musheerabad, Hyderabad and now retired from service in a court of law on the allegation of corruption. On filing charge sheet, the Court of the Principal Special Judge for S.P.E. & A.C.B. Cases, Hyderabad, in its judgment 24-07-03 in C.C.No.2/99 convicted the A.O. for the offences punishable u/s 7, 13(1)(d) r/w section 13(2) of the Prevention of Corruption Act, 1988 and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for a period of three months for offences under each count. Consequently, the Accused Officer was dismissed from service by the Government in the reference 4th read above. Further, while under dismissal only, the Accused Officer retired from service on 30.06.2004.

2.   Aggrieved by the conviction orders, the individual filed Criminal Appeal.No.707/03 before the High Court. The Hon'ble High Court of Andhra Pradesh, in its judgment dated 13.12.2010 in Cr.Appeal.No.707/03 had allowed the Criminal Appeal and set aside the conviction and sentence recorded against the Accused Officer by the learned Principal Special Judge for S.P.E. & A.C.B. Cases, Hyderabad, dated 24.07.2003 in C.C.No.2/1999 duly acquitting the Accused Officer of the charges leveled against him.

3.   While enclosing a copy of the above judgment of the Hon'ble High Court of A.P., Hyderabad, Sri A Sarath Chandra Reddy, Deputy Tahsildar (Retd.) has submitted a representation before the Government in the reference 7th read above representing that while he was working as Deputy Tahasildar, O/o the Mandal Revenue Officer, Musheerabad he was implicated in a false trap case by the A.C.B. Officials on a false complaint given by the complainant and consequently he was placed under suspension by the Collector, Hyderabad District vide Proc.Rc. dated 02.11.1996, that subsequently his suspension was reviewed and he was reinstated into service, pending disciplinary action by the Collector, Hyderabad District, vide Proc.Rc.dated 16.10.2000. He has also represented that consequent on the judgment of the Court of the Principal Special Judge for S.P.E. & A.C.B. Cases, Hyderabad dated 24.07.2003 in C.C.No.2/1999, he was dismissed from service by the Govt. in the reference 4th read above and aggrieved by the Trial Court's Judgment he preferred Criminal Appeal in the High Court of A.P. and the High Court in its Judgment 6th read above acquitted him of the charges leveled against him and set aside the Judgment of the Trial Court in CC No.2/99. While submitting that he had already retired from service on attaining the age of superannuation on 30.06.2004, he has requested the Government to release the pay and allowances for suspension period and any other dues payable for the duty period and to pay all retirement benefits like Pension, Gratuity etc.

4.   Government have examined the issue and observe that the period from 05.11.1996 to 18.10.2000 is the suspension period, whereas the period from 03.01.2004 to 30.06.2004 is the dismissal period of the Accused Officer. Government also observe that the Andhra Pradesh High Court had allowed the Criminal Appeal filed by the Accused Officer and set aside the judgment of the Trial Court. Government have, therefore, decided that the order of dismissal issued in pursuance of the conviction be modified and the period of dismissal be considered as "Deemed Suspension".

5.   Government, after careful examination of the matter, hereby modify the orders of "Dismissal from service" to that of "Deemed Suspension" and hence consider the dismissal period of the Accused Officer from 03.01.2004 to 30.06.2004 as the period spent under deemed suspension. Further, as the Accused Officer was involved in a grave incidence of bribery, his suspension cannot be treated as "wholly unjustified and hence Government hereby order that the "Suspension Period" of the Accused Officer from 05.11.1996 to 18.10.2000 and subsequent "Deemed Suspension Period" from 03.01.2004 to 30.06.2004 be treated as "Not on Duty". However, the individual would be eligible to count the above periods for notional increments, promotion (if eligible) and leave etc.

6.   The Chief Commissioner of Land Administration, A.P., Hyderabad, shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration,
A.P., Hyderabad.
Copy to:
1) The Individual.
   (through C.C.L.A., A.P., Hyderabad)
2) The Collector, Hyderabad District.
3) The Director General,
    Anti-Corruption Bureau, A.P., Hyderabad.
4) The Accountant General,
    A.P., Hyderabad.
5) District Treasury Officer, Hyderabad.

// FORWARDED :: BY ORDER //

SECTION OFFICEDR